



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Rapid Production Co., Inc.
File: B-226401
Date: April 3, 1987

DIGEST

Protest is dismissed as academic where the contracting agency reports that it has taken appropriate action to remedy the procurement deficiency.

DECISION

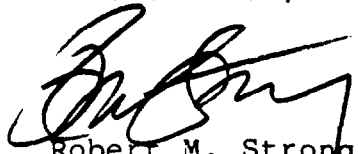
Rapid Production Co., Inc., protests award of a contract to Solar Flame, Inc., by the Department of the Army pursuant to request for proposals No. DAAA03-86-R-0066, issued by the Pine Bluff Arsenal. Rapid Production contends that the Army's calculation that Solar Flame's offered price was lower than the price offered by Rapid Production was wrong. We dismiss the protest.

The Army reports that the protester is correct, that is, Rapid Production should have been found to be the low offeror. However, the contracting officer has determined Rapid Production to be nonresponsible and has referred the matter to the Small Business Administration (SBA) for a certificate of competency determination. A stop work order has been issued to Solar Flame pending resolution of the responsibility issue by the SBA. If the SBA ultimately determines Rapid Production to be responsible, the Army reports that it will award the contract to Rapid Production.

In view of the fact that the Army agrees with the protester and will take action to correct its award error if necessary, the protest is academic. See Topley Realty Co., Inc., B-221459, Apr. 23, 1986, 65 Comp. Gen. ___, 86-1 C.P.D. ¶ 398 at 9. Concerning the contracting officer's determination that Rapid Production is not responsible, since Rapid Production is a small business the matter appropriately has been referred to the SBA for review under its certificate of

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competency procedures in accord with its conclusive authority under 15 U.S.C. § 637(b)(7) (1982). See Sealtech, Inc.-- Request for Reconsideration, B-221584.2, Mar. 13, 1986, 86-1 C.P.D. ¶ 254; 4 C.F.R. § 21.3(f)(3) (1986).



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